

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

Vs.

Case No. 4:17-cr-00293-BSM

MARCUS O. MILLSAP, ET AL

DEFENDANTS

OBJECTION TO THE SUMMARY READ BY THE COURT TO THE JURY

Comes now Defendant Marcus Millsap, by and through his counsel, and for his Objections to the Summary Read by the Court to the Jury, states as follows:

1. In the first section “The Enterprise” the Court affirmatively states that “members and associates” of the NAE engaged in narcotics trafficking, witness intimidation and retaliation, acts involving murder, kidnaping, and aggravated assault.
 - a. First, Mr. Millsap is not a member of NAE. Second, Mr. Millsap is not charged with kidnaping, aggravated assault, intimidation and retaliation, or murder.
2. The description of the NAE to the jury is irrelevant and prejudicial to Mr. Millsap. He isn’t a member of NAE. The Government wants to paint the case with a broad brush, but no member of NAE will be tried with Mr. Millsap. The description of the inner workings of the NAE are to Mr. Millsap, and irrelevant to the case.
3. Under “The Purpose of the Enterprise” the Court again goes into the inner workings of the NAE. Mr. Millsap isn’t a member of the NAE. No NAE member will be tried with Mr. Millsap. This information is irrelevant to Mr. Millsap and prejudicial.
4. Under “The Racketeering Conspiracy” the Court wants to tell the jury that the conspiracy involved murder, kidnaping, tampering with a witness, victim, or an informant, and retaliating against a witness. However, the indictment against Mr. Millsap doesn’t allege any of these crimes.
5. Under “Means by which object of conspiracy were to be accomplished” the Court inconsistently uses the names of Defendants. In #2 the Court alleges that Millsap, Gullett, and Knox would carry out crimes of violence. Of course, Mr. Millsap isn’t accused of murder, assault with a deadly weapon, witness tampering, intimidation and retaliation. The Court then in #3 only lists Millsap’s name for meth distribution. This focuses the jury unfairly on Mr. Millsap.

Respectfully Submitted:

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